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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,297	07/18/2003	Katie Mulich	34127	3412

7590 07/14/2004
Hovey Williams LLP
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EXAMINER

SWIATEK, ROBERT P

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,297

Applicant(s)

MULICH ET AL.

Examiner

Robert P. Swiatek

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 3, 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-18-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trombly (US 4,630,744) in view of Campagna (US 3,825,141). The decorative container 10 of Trombly is constructed from plastic or glass and includes a flared or fluted upper lip portion 12 that merges with a sidewall 14. Although not shown, the sidewall 14 of Trombly includes markings or indicia (see column 2, lines 25, 26, of the patent). The sidewall lacks, however, an exterior ring with a series of bumps. It would have been obvious to provide the Trombly container with a circumferential sheath having a plurality of projecting bumps, in view of the teaching of Campagna that such bumps enhance the grip of a person handling the container. The Trombly container 10 could be employed "for cleaning an animal's paw" inasmuch as a paw *could* be inserted into it. Since animal paws come in a multitude of sizes, the rim of the Trombly container is deemed to be of a size to seal with at least one paw to create a suction effect upon paw withdrawal. With regard to claim 10, the precise dimensions of the Trombly container, although not set forth in the patent, would have been obvious to one skilled in the art wishing to make it both visible and easily portable. Likewise, as to claim 11, use of a *transparent* glass in the construction of the Trombly container would have been obvious to one skilled in the art

Art Unit: 3643

wishing to enhance the aesthetic appeal of the container; it is moreover noted that use of transparent or translucent glass in decorative containers is notoriously old and well known.

Claims 1, 2, 4, 5, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson et al. (US 6,269,512 B1) in view of Campagna. The Thomson et al. grip washer is constructed from a cylindrical, elongated body 12 having an open upper end 16 and a closed lower end 14. One or more cleaning brushes 18 are disposed in the body 12 for the purpose of washing the grip of a golf club inserted into the body. To this end, the bristles comprising the brush can be said to extend from the interior surface of the body 12. While the Thomson et al. washer body 12 lacks a circumferential sheath having a series of projecting bumps, it would have been obvious to provide it with such a structure, in view of the teaching of Campagna that protruding bumps disposed upon a sheath surrounding a cylindrical object improves its non-slip characteristics while being carried or transported. It is noted that an animal paw *could* be inserted past the splash guard 34 of Thomson et al. and into sealing engagement with the interior of the body 12, to create a suction effect upon withdrawal. As to claims 7, 10, use of exterior markings on the body of the washer and its dimensions would have been obvious to one skilled in the art wishing to employ a trade name with it and allow its use with a variety of club types, respectively.

Claims 3, 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' arguments with respect to claims 1, 2, 4, 5, 7, 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3643

Summary: Claims 1, 2, 4, 5, 7, 9-11 have been rejected; claims 3, 6 have been objected to; claims 8, 17 have been canceled; claims 12-16, 18-21 have been allowed.

RPS: ©703/308-2700
12 July 2004

Robert P. Swiatek

ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 333 3643